

NORFOLK, VIRGINIA
DOCKET FOR THE COUNCIL
TUESDAY, JUNE 28, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim introduced Ms. Carolyn M. Clark, Executive Director of the Park Place Child Life Center. Ms. Clark and the children presented a banner to Council thanking them for all they have done.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

(A request has been made to continue to August 23, 2016)

ACTION: Continued to August 23, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, to modify the Table of Contents within with City's General Plan, *plaNorfolk2030*, to add the *City of Norfolk Sand Management Plan* and to incorporate the Sand Management Plan by reference within Appendix B of *plaNorfolk2030*.

Vic Yurkovic, 1816 East Ocean View Avenue, and Ellis James, 2021 Kenlake Place, both spoke in favor of this matter and thanked Mr. Fraim, Mr. Protogyrou and Mr. Winn for their services to the City.

Thereupon, An Ordinance entitled, "An Ordinance to amend the City's General Plan, *Planorfolk2030*, **SO AS TO** adopt and incorporate the "**Sand Management Plan**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2A

An Ordinance entitled, "An Ordinance to amend and reordain **Chapter 49, Article III of the Code of the City of Norfolk, Virginia 1979**, **SO AS TO** establish a **Coastal Management and Review Board**, to revise the process for designating the membership of the Erosion Advisory Commission, and to repeal the existing Coastal Primary **Sand Dune Zoning Ordinance**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, to amend the future land use designation in the General Plan, *planorfolk2030*, from Institutional to Office and for a change of zoning from IN-1 (Institutional) to BC-1 (Business and Commerce Park) District on property located at **900-901 Asbury Avenue**.

Thereupon, An Ordinance entitled, “An Ordinance to amend the City’s General Plan, *Planorfolk2030*, **SO AS TO** change the land use designation for properties located at **900 and 901 Asbury Avenue** from Institutional to Office,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3A

An Ordinance entitled, “An Ordinance to rezone properties located at **900 and 901 Asbury Avenue** from IN-1 (Institutional) District to BC-1 (Business and Commerce Park) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Richard Levin**, to change the zoning from C-2 (Corridor Commercial), Pedestrian Commercial Overlay – Riverview (PCO-Riverview) and R-8 (Single-Family) Districts to Conditional C-2 and Pedestrian Commercial Overlay – Riverview Districts on properties now or formally known as **3920 Granby Street and 3917 Columbus Avenue**.

Richard Levin, the applicant, 610 Pembroke Avenue, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to rezone properties located at **3920 Granby Street and 3917 Columbus Avenue** from C-2 (Corridor Commercial), PCO-Riverview (Pedestrian Commercial Overlay – Riverview), and R-9 (Single-Family Residential) Districts to Conditional C-2 (Corridor Commercial) and PCO-Riverview (Pedestrian Commercial Overlay – Riverview) Districts,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Commonwealth Preservation Group**, to designate the existing structure at **6651 Talbot Hall Court** as a Norfolk Historic Landmark.

Paige Pollard, representing the applicant, 208 East Plume Street, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to designate the property located at **6651 Talbot Hall Court** as a **Norfolk Historic Landmark** and to amend the zoning map to show the designation,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a zoning text amendment to **Section 14-4.2**, “Festivals, bazaars, outdoor sale events, carnivals and circuses,” of the *Zoning Ordinance* to increase the number of days allowed for such temporary events within the Pedestrian Commercial Overlay Districts.

Thereupon, An Ordinance entitled, “An Ordinance to amend **Section 14-4.2** of the **Zoning Ordinance of the City of Norfolk, 1992, SO AS TO** increase the number of days allowed for temporary festivals, bazaars, and outdoor sale events in Pedestrian Commercial Overlay Districts,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Redevelopment and Housing Authority**, for the closing, vacating and discontinuing a portion of **May Avenue**, between **East Virginia Beach Boulevard** and **Booth Street** to the south of **East Virginia Beach Boulevard**, between **May Avenue** and **Cecelia Street**.

Thereupon, An Ordinance entitled, “An Ordinance to close, vacate and discontinue a portion of May Avenue and a 10-foot lane off Virginia Beach Boulevard, to authorize the conveyance of any interest in the said vacated right-of-way by Quitclaim Deed to Norfolk Redevelopment and Housing Authority,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 29, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on granting an exemption from real estate taxes by classification for real property of **Old Dominion Real Estate Foundation**.

Thereupon, An Ordinance entitled, “An Ordinance granting an exemption from real estate taxes by classification for real property of **Old Dominion Real Estate Foundation**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-9

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on granting an exemption from real estate taxes for real property of **First Baptist Church, Berkley and/or Trustees of First Baptist Church, Berkley** retroactive to September, 2010.

Thereupon, An Ordinance entitled, “An Ordinance granting an exemption from real estate taxes for real property of **First Baptist Church, Berkley and/or Trustees of First Baptist Church, Berkley** retroactive to September 1, 2010,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-10

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to DPT Construction, LLC of certain parcels of property located at **1301 and 1303 Wilson Road**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **DPT Construction, LLC** of certain parcels of property located at **1301 and 1303 Wilson Road** for the total sum of \$22,400.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the City’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 29, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-11

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Balance Builders, Inc.** of certain parcels of property located at **2600 and 2604 Campbell Avenue**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **Balance Builders, Inc.** of certain parcels of property located at **2600 and 2604 Campbell Avenue** for the total sum of \$21,000.00 in accordance with the terms and conditions of the **Conveyance Agreement**; and authorizing the release of the City’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 29, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-12

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to the **Virginia Historic Restoration Foundation** of property located at **227 West Freemason Street, and 334 Duke Street**.

Thereupon, An Ordinance entitled, “An Ordinance approving the terms and conditions of the **Real Estate Purchase and Sale Agreement** and the conveyance to the **Virginia Historic Restoration Foundation** of property located at **227 West Freemason Street and 334 Duke Street** in the **City of Norfolk**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 29, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley and Frain.

No: None.

Abstain: Winn

PH-13

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of real property located at **6000 Northampton Boulevard**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance of real property located at **6000 Northampton Boulevard** in the **City of Norfolk** in accordance with the terms and conditions of the **Agreement of Sale**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 29, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to enter into a **Cooperation Agreement** with the **Economic Development Authority** of the **City of Norfolk**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 29, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$18,877 from the **Virginia Department of Criminal Justice Services** for the **Juvenile Accountability Block Grant Program**, appropriating and authorizing the expenditure of the funds and \$2,097 in local cash matching funds for the **Program** for total **Program** funding in the amount of \$20,974,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain the **Norfolk City Code, 1979 SO AS TO** add one new section numbered **12-141.6**, relating to the creation of 111 graves in the re-subdivision of **Section 26-A**, in a portion south of existing **Block 26, Calvary Cemetery Annex**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the **Palace Shops South, LLC** to encroach into the right-of-way at **328 West 20th Street** with lights and signage,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a right of entry permitting the **New Hope Church of God in Christ** to go upon and use that certain City owned property numbered and designated as **616, 618, and 620 West 35th Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$52,074.00 in additional grant funding from the **Virginia Department of Criminal Justice Services** for the continuation of the **FY16 Victim/Witness Assistance Program**, appropriating and authorizing the expenditure of the additional grant funds for the program and authorizing the hiring of one (1) additional person for the program in a **Special Project** employment status,” was introduced in writing and read by its title.

Betsy Powell, the controller, 312 Northshore Road, was present to answer questions and Ellis James spoke in support of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Attorney and an Ordinance entitled, “An Ordinance designating **Philpotts Road** as **Walter H. Green Sr. Road**,” was introduced in writing and read by its title.

Alveta Green, the applicant, 943 Philpotts Road, thanked Council for the action, stating that this honors her late husband, a civic activist, who dedicated his time and efforts to the community and to the City; she also thanked Mr. Fraim, Mr. Protogyrou and Mr. Winn for their service.

Ellis James, 2021 Kenlake Place, stated that Walter Green was a dear friend, and a civic activist, was there at a time when the City needed him and that this honor could not have happened to a better person.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

A Resolution entitled, “A Resolution appointing and reappointing **11 persons to 3 boards** for certain terms,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 28, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Danny Lee Ginn, 3844 Dare Circle, called on the new council to take a “no confidence” vote on Mr. Riddick and thanked Mr. Fraim, Mr. Protogyrou and Mr. Winn for their service.
2. Phillip Hawkins, 3597 Mississippi Avenue, asked the Council to move the Residential Parking Permit Office back to the Commissioner of Revenue’s Office, stating that the hours of operation are not convenient for citizens, parking is difficult and customer service needs some improvements. He also spoke about the closing of the Brambleton Center and thanked Mr. Fraim, Mr. Protogyrou and Mr. Winn for their service.

3. Vivian Walston, 2936 Gatehouse Road, Seniors in Motion Line Dancing Group, stated that they did not know that the Brambleton Center was closing. She asked Council to help them find a location so seniors can continue to dance.
4. John W. Hill, 2906 Mapleton Avenue and Max Shapiro, 330 West Brambleton, Citizens Recall Committee, asked for an audit of the Treasurer's office and for a recall of the City Treasurer. Councilman Smigiel noted an audit had been conducted that found no improprieties.
5. Janice McKee, 903 Hatton Street, and Betty Potts, Southside Education Committee and Roscoe Calloway, thanked Council for all they've done for Campostella K-8 School, and presented them with a token of appreciation. She also thanked Mr. Fraim, Mr. Protogyrou and Mr. Winn for their service.